UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

U.S. v. Home Depot Inc.

Informational Sheet
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Today, the United States lodged a settlement between the United States, the State of Colorado and Home Depot, Inc.

- Home Depot is the largest home improvement retailer in the United States and the second largest retailer after Wal-Mart. They are ranked 17th on the Fortune 500.

- EPA conducted inspections and gathered information between 2002 and 2003 for sites located throughout the country.

- The violations at each of the sites vary and varied in severity. Among the violations that EPA found are:

  - discharge of polluted storm water runoff to storm sewers or waterways without obtaining a permit;

  - failure to develop an adequate Storm Water Pollution Prevention Plan (SWPPP) for minimizing the amount of sediment and other pollutants in storm water runoff from the site;

  - failure to install or implement storm water controls or best management practices (BMPs) required by the SWPPP (for example silt fences were not installed, storm drain inlets were not covered or protected, etc.);

  - incorrect installation of BMPs (for example, silt fences were not properly trenched into the ground, sediment basins were not completed prior to commencing construction);

  - failure to keep BMPs in effective operating condition (for example, silt fences had fallen down or had holes, construction entrances needed more rock);

  - failure to adequately or routinely inspect BMPs to ensure proper maintenance.

- Home Depot has agreed to a settlement with the United States and the State of Colorado to resolve these violations.

- Under this settlement, Home Depot will pay a penalty of $1.3 million and implement a management and reporting system designed to provide increased oversight of on-the-ground operations and ensure greater compliance with the storm water requirements. Home Depot will also conduct internal training at the corporate level and for Home Depot construction contractors.

Environmental Harm and Public Health Impacts Associated with Storm Water Runoff

- Discharges of storm water runoff can have a significant impact on water quality. Several studies reveal that storm water runoff from urban areas can include a variety of pollutants, such as sediment, bacteria, organic nutrients, hydrocarbons, metals, oil and grease. These pollutants can harm the environment and public health.

Environmental Harm Associated with Storm Water Runoff from Construction Sites

- The discharge of storm water runoff from construction activities (e.g., land development, road construction) can have significant impact on rivers, lakes, and wetlands. Construction alters natural landscapes. During construction, earth is compacted, excavated and displaced, and vegetation is removed. These activities increase runoff and erosion, thus increasing sediment transported to receiving waters. In addition to sediment, as storm water flows over a construction site, it can pick up other pollutants like debris, pesticides, petroleum products, chemicals, solvents, asphalts and acids which may also contribute to water quality problems

- Although erosion and sedimentation are natural processes, when land is disturbed by construction activities, surface erosion can increase up to 200 times on sites formerly under pasture, and up to 2,000 times on sites formerly forested. Agriculture processes produce the largest sediment loads, however, construction results in the most concentrated form of erosion - the rate of erosion from construction sites can exceed that from agricultural land by 10 to 20 times.

- Sediment-laden runoff results in increased turbidity and decreased oxygen in a stream, which in turn results in loss of in-stream habitat for fish and other aquatic species.

- Sediment-laden runoff can kill fish directly, destroy spawning beds, and suffocate fish eggs and bottom dwelling organisms.

- Sediment-laden runoff can increase difficulty in filtering drinking water, resulting in higher treatment costs, and can result in the loss of drinking water reservoir storage capacity and decrease the navigational capacity of waterways.

- Sediment-laden runoff blocks light and reduces growth of beneficial aquatic grasses.

- Many of the steps to control storm water runoff are simple and not costly, including:

- ✓ planning construction projects to reduce the amount of time soil is left exposed;
- ✓ installing relatively simple and low cost sediment and erosion control devices such as silt fences.

The following EPA documents were used in developing this information sheet:

- ✓ Economic Analysis of the Final Phase II Storm Water Rule, Final Report (U.S. EPA, October 1999)
- ✓ Environmental Assessment for Proposed Effluent Guidelines and Standards for the Construction and Development Category (U.S. EPA, June 2002)
- ✓ Report to Congress on the Phase I Storm Water Regulations (U.S. EPA, Feb.2000)
- ✓ Report to Congress on the Phase II Storm Water Regulations (U.S. EPA, Oct.1999)
- ✓ National Pollutant Discharge Elimination System - Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Final Rule (U.S. EPA, Dec. 1999)
- ✓ Environmental Impacts of Storm Water Discharges: A National Profile (U.S.EPA, 1992)
- ✓ National Water Quality Inventory: 2000 Report (U.S. EPA, Aug. 2002)
- ✓ National Water Quality Inventory: 1998 Report to Congress (U.S. EPA, June2000)
- ✓ National Water Quality Inventory: 1996 Report to Congress (U.S. EPA, 1998)